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असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 24th August, 2007:—

BILL No. 1 OF 2007

A Bill to provide for the right to work and for allowance till such time as appropriate work is provided to any citizen, for establishment of Right to Work Fund, for creation of Right to Work Insurance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Work Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "employment exchange" means an employment exchange set up by the Government of a State or Union territory;

(b) "Fund" means the "Right to Work Fund" established under sub-section (1) of section 9;

(c) "Government" means the Central Government;

Short title,
extent and
commence-
ment.

Definitions.

(d) "notification" means a notification published in the official Gazette by the Central Government; and

(e) "prescribed" means prescribed by rules made under this Act.

Right to
work.

3. Subject to the provisions contained in sections 7 and 13, every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an employment exchange shall have the right to appropriate work to be provided by the Government.

Nature of
Work to be
provided.

4. The work to be provided by the Government under section 3 shall be suited to the age and qualification of the citizen concerned.

Grant of
Allowance.

5. Till such time as work is provided to a citizen under section 3, he or she shall be entitled to an allowance, not being less than rupees two hundred per week, as may be prescribed.

Removal of
name by
Employment
Exchange.

6. If a citizen secures any work or job subsequent to his registration with the employment exchange, either on his own or otherwise, he shall inform the employment exchange immediately and his name shall be removed by the employment exchange with effect from the date of his having secured the job or work.

Act not to
apply to
certain
citizens.

7. The provisions of this Act shall not apply to any citizen,—

(a) who has an income, through any source, not being less than the amount of allowance fixed under section 5;

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union territory.

Reduction of
allowance under
section 5.

8. Where a citizen, being unemployed, registers himself with an employment exchange under section 3, but has an income of his own through any source, the amount of allowance to which he may be entitled under section 5 shall be reduced by the amount of his such income.

Establishment
of 'Right to
Work Fund'.

9. (1) The Government shall establish a Fund to be called "Right to Work Fund" for the grant of allowance under this Act.

(2) The Government shall, from time to time, make such grants to the Fund as may be required for the purpose of this Act.

(3) These shall be credited to the Fund,—

(a) all grants made by the Government under sub-section (2);

(b) all voluntary donations made to the Fund;

(c) all contributions in respect of the Right to Work Insurance Policy under section 10;

(d) all sums collected under section 12; and

(e) any interest or dividend or other return on any investment made out of any part of the Fund.

(4) All amounts due and payable under the Act and all expenditures relating to the management and administration of the Fund shall be paid out of the Fund.

Right to
Work
Insurance
Policy.

10. The Government shall frame a Right to Work Insurance Policy to cover whole or any part of such grants of allowances as may be payable under this Act.

Rebate or
deductions
from Income-
Tax.

11. Notwithstanding anything contained in the Income Tax Act, 1961, all voluntary donations made to the Fund shall qualify for such rebate or deductions from the income-tax payable by the donors, as may be prescribed. 43 of 1961.

Contribution
to the Fund

12. Every citizen who receives work or allowance under this Act shall contribute to the fund for a prescribed period immediately after his securing any work or job, whether provided by the Government under this Act or on his own, at such rate as may be prescribed.

13. The Government may, in its endeavour to provide work under this Act, categorise citizens by notification on the basis of their qualification or any other basis as may be prescribed and make citizens of such categories entitled to right to work under section 3:

Categorising of citizens entitled to Right to work.

Provided that the Government shall provide the right to work to all eligible citizens within ten years from the commencement of this Act.

14. As soon as may be, after the close of a financial year, the Government shall cause an annual report on the working and administration of the Fund and the implementation of this Act during that year, to be prepared and laid before each House of Parliament, and every such report shall be in such form and shall contain such matters as may be prescribed.

Annual report by Government.

15. (1) The Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the rate of allowance referred to in section 5 and different rates may be prescribed on the basis of qualification and skills;

(b) the necessary details relating to the Right to Work Insurance referred to in section 10;

(c) rebate or deductions from income-tax under section 11;

(d) the rate of contribution to the Fund under section 12;

(e) the basis of categorisation of citizens under section 13;

(f) the form and content of the annual report mentioned in section 14;

(g) the procedure to regulate all payments under this Act; and

(h) any other matter which is required to be, or may be, prescribed.

16. Every rule made under this Act by the Government and every notification issued under section 13, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Rules and notifications to be laid before Parliament.

STATEMENT OF OBJECTS AND REASONS

Indian Constitution guarantees to every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful, assumes the availability of necessary means to a decent livelihood. On the other hand, the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of opportunity of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad.

It is time that concerted efforts are made by the State to assure work to citizens. The Bill grants every citizen the legal right to work. Till such time as work is provided to a citizen, he or she shall be entitled to an allowance.

The Bill also provides for the establishment by the Government of a 'Right to Work Fund'. The Fund will receive grants made by the Government, voluntary donations which shall qualify for rebate or deductions from income-tax payable by the donor, contributions at prescribed rate and for a specified period from citizens who secure work after registration, etc. There is also a provision to promote Right to Work Insurance to raise finances.

The Bill is realistic, in so far as it provides for even a gradual introduction of the right to work. To begin with, the Government may categorise citizens on the basis of their qualification or any other basis and make citizens of such categories entitled to the right to work; so, however, that gradually all the citizens secure the right to work within a period of ten years from the commencement of the Act.

Hence this Bill.

NEW DELHI;
July 25, 2006

MOHAN SINGH

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1)
AND 117(3) OF THE CONSTITUTION

[Copy of letter No. DGE&T-H-11019/3/2006-MP(G), dated 18 December, 2006 from Shri Oscar Fernandes, Minister of State of the Ministry of Labour and Employment to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Right to Work Bill, 2007 by Shri Mohan Singh, Member of Parliament, recommends its introduction under articles 117(1) and 274(1) and consideration under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to provide allowance to a citizen who has attained the age of eighteen years and who, being ~~unemployed~~, is registered at an Employment Exchange. Till such time as work is provided to such a citizen, he or she shall be entitled to such allowance not being less than two hundred rupees per week, as may be prescribed. Clause 9 of the Bill provides for the establishment of a 'Right to Work Fund' for the grant of allowance under this Act. It is difficult to make an exact estimate of the recurring expenditure that may be involved on this count. Nevertheless, the provisions of the Bill may be expected to involve recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as employment situation improves, and as voluntary donations and contributions from citizens who secure work and contributions from the Right to Work Insurance are received.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 15 OF 2007

A Bill to provide for all round development of children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Child Development Act, 2007.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) “child” means a person who has not completed the age of eighteen years;
and

(iii) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall set up a fund to be known as the Child Development Fund.

Setting up of the Child Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) There shall also be credited to the Fund, donations or contributions received from other organisations or individuals.

(4) The Fund shall be utilised in such manner as may be prescribed for carrying out the purposes of this Act.

4. Every child shall have the right to—

Rights of a child.

(i) free education upto senior secondary level in all schools including Government aided private schools;

(ii) scholarship, in such cases as may be prescribed;

(iii) nutritious food, including midday meal in the schools;

(iv) free transport facilities between place of residence and the educational institutions;

(v) free bicycles, where there are no proper transport facilities;

(vi) free vocational training;

(vii) free access to the public libraries under the control of the appropriate Government;

(viii) free access to games and sports facilities; and

(ix) free travel in railways for undertaking educational tour.

Explanation.—For the purposes of clause (i), “free education” means education without payment of charges of fee of any kind and includes supply of books, stationery items and uniform, free of cost.

5. It shall be the duty of the appropriate Government to implement the provisions of this Act.

Appropriate Government to implement the Act.

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Children are the future of a country. Majority of the children in our country do not have access to quality educational facilities and sports facilities due to lack of funds with their parents. In fact, their parents are so poor that sometimes they can't even afford a single square meal in a day. Consequently, due to the lack of proper nutrition and proper health care, these children become disease prone.

Moreover, in many rural areas children do not have any recreational facilities.

It is, therefore, necessary to bring a law providing basic educational facilities free of cost and access to sports facilities to every child to ensure all round development of his personality.

Hence this Bill.

NEW DELHI;
November 8, 2006.

ARCHANA NAYAK

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE CONSTITUTION

[Copy of letter No. 2-42/2006-CW, dated 31 January, 2007 from Shrimati Renuka Chowdhury, Minister of State of the Ministry of Women and Child Development to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Child Development Bill, 2007 by Shrimati Archana Nayak, Member of Parliament, recommends to the House the consideration of the Bill under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the creation of a Child Development Fund. Clause 4 confers certain rights on children. The Central Government, besides contributing to the Fund, shall bear the expenditure for facilities to be provided to the children in the Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crores per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 25 OF 2007

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2007. Short title.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part X.— Amendment
of the
Schedule.
Maharashtra,—

(i) for entry 8, the following entry shall be substituted, namely:—

“8. Basor, Burud, Bansor, Bansodi, Basod, Vihchar, Injwar, Dhoba, Dhobi, Mang”; and

(ii) for entry 11, the following entry shall be substituted, namely:—

“11. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chamari, Chambhar, Changar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Telugu Mochi, Kamati Mochi, Ranigar, Rohidas, Nona, Ramnami, Rohit, Samgar, Samagara, Satnami, Surjyabanshi, Surjyaramnami, Charmakar, Pardeshi Chamar, Holi.”

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950 and this list was modified from time to time. However, there are certain castes in various States which have found no place in the Scheduled Castes Order, 1950. A number of requests have been made by several State Governments to amend the (Scheduled Castes) Order, 1950 in order to include new and synonymous communities in the list of Scheduled Castes in order to extend the benefits of reservation to the persons belonging to these castes. In some cases, people belonging to the same caste are known by different or synonymous names of their caste in different areas of the same State. But all these names are not mentioned in the Constitution (Scheduled Castes) Order, 1950. The persons belonging to the same caste are denied benefits of reservations and other facilities because of different nomenclature of their caste. Moreover, there are certain new castes which are required to be included in the Constitution (Scheduled Castes) Order, 1950 in view of their social, educational and economic backwardness. This anomaly requires to be rectified by amending the Constitution (Scheduled Castes) Order, 1950 in relation to the State of Maharashtra.

The Bill seeks to achieve the above objects.

NEW DELHI;
November 13, 2006.

MAHADEORAO SHIWANKAR

FINANCIAL MEMORANDUM

The Bill seeks to include new castes based on social, educational and economic backwardness, synonymous communities in respect of a caste and modifications in the existing entries relating to certain communities in the list of Scheduled Castes for the State of Maharashtra. The Bill, if enacted, would involve additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to the communities to be included under continuing schemes meant for development of the Scheduled Castes from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL No. 4 OF 2007

A Bill further to amend the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order (Amendment) Act, 2007. Short title.

2. In the Schedule to the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959, entries 5 and 6 shall be renumbered as entries 6 and 7 respectively, and before entry 6 as so renumbered, the entry "5. Ranchi Tribals" shall be inserted. Amendment of the Schedule.

STATEMENT OF OBJECTS AND REASONS

During pre and post independence period a large number of Ranchi tribals from Chotanagpur, Bihar (now Jharkhand) were settled by the Administration in North Andaman (Ramanagar and Kalighal), Middle Andaman (Tugapur) and Baratang Island. Their services have been utilised mainly by the Forest Department and also by other Departments in various development activities undertaken in the Islands. These tribals have now settled in the Island permanently. Hence, they are not migratory labourers. However, they are not accorded the status of tribals in the Andamans although their counterparts have been classified as tribals in the State of Jharkhand. Ranchi tribals settled in Andaman & Nicobar Islands have never been given any kind of preferential treatment in education, shelter, Government jobs, etc. by the Union Territory administration. As a result, these people are still socially, educationally and economically backward in comparison to the original inhabitants of the Island and are leading a miserable life even after decades of planned development.

Therefore, conferring status of Scheduled Tribes is necessary to secure justice for the Ranchi tribals in view of their economic, educational and social backwardness. It is proposed in the Bill that the Ranchi Tribals be included in the list of Scheduled Tribes of Andaman and Nicobar Islands.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 15, 2006.

BASUDEB ACHARIA

BILL NO. 5 OF 2007

A Bill to provide for the compulsory use of mother tongue in imparting basic and primary education to children in all educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Basic and Primary Education (Compulsory Teaching in Mother Tongue) Act, 2007.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “basic education” means education provided in preparatory schools or kindergarten and such other schools by whatever name called;

(c) "educational institution" includes all schools whether run by Government or Government bodies or private institutions, association or trust, whether aided by Government or not, recognized or unrecognized, imparting education to the children from primary level;

(d) "mother tongue" means the language generally spoken in the family of the child who learns it from his mother and other family members and which is one of the languages mentioned in the Eighth Schedule to the Constitution of India;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary education" includes education up to the level of middle class or eighth standard.

Compulsory imparting of basic and primary education in mother tongue of the child.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every educational institution shall impart basic and primary education to the children in their mother tongue or dialect generally spoken in the region or State, as the case may be, where such an institution is located, in addition to Hindi or English language, as the case may be, so as to properly develop the faculties of the children.

(2) For the purposes of sub-section (1) the appropriate Government shall appoint language teachers in all Government run or aided schools and shall provide requisite infrastructure for that purpose.

(3) The appropriate Government shall derecognize the educational institutions not complying with the provisions of this Act for such period as it may deem necessary and impose such other sanctions as may be prescribed after giving such institutions a reasonable opportunity to defend their cases.

Power to exempt.

4. The appropriate Government may either retrospectively from the enactment of this Act or prospectively exempt from the operation of the provisions of this Act, the members of any race, sect or tribe to which it may consider it impossible or inexpedient to apply the provisions of this Act.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide requisite funds to the States for appointing language teachers and for providing other infrastructure required for the purposes of this Act.

Power to remove difficulty.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made or direction be given after three years of the commencement of this Act.

Act to have overriding effect.

7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be made in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

For a child the easiest language is his mother tongue. He learns to speak his mother tongue from his mother and family members who generally speak the language spoken from generations or the dialect of their forefathers or of the area or region in which they reside. In major parts of our country, Hindi is the main language with different dialects at different places but it is written in Devanagari script and can be understood easily. Then there are regional languages. A total of twenty-two languages have been recognized by our Constitution. The mother tongue, no doubt, is the best language for a child to develop his faculties but when he or she is admitted in the play school or Kindergarten or primary school more so in the so called elite or public schools, the child has to switch over to English medium, which is the medium of instruction in such schools. At this stage the real difficulty of the child begins. He speaks a particular language but the education is imparted in a different language. This causes strain and in order to become a part of the system he starts ignoring his own mother tongue. In the Hindi speaking areas, students of public schools cannot count in Hindi and do not recognize Hindi alphabets because in their school, they cannot speak in their language and have to speak only in English. In many schools students are penalized if they speak in any language other than English. Though the child learns English by compulsion but he is not at ease with this language and on the other hand he does not develop sufficient knowledge of his own language. It is therefore necessary that a child should be imparted basic and primary education in his mother tongue, which is the easiest language for him. Thereafter, the child grows up and he can acquire the skills in other languages and opt for the language of his choice for his further studies.

Hence this Bill.

NEW DELHI;
November 16, 2006.

MAHADEORAO SHIWANKAR

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF
THE CONSTITUTION

[Copy of letter No. 7-22/2006-EE-4, dated 14 December, 2006 from Shri Arjun Singh, Minister of Human Resource Development to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Basic and Primary Education (Compulsory Teaching in Mother Tongue) Bill, 2007 by Prof. Mahadeorao Shiwankar, Member of Parliament, recommends to the House the consideration of the Bill under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall appoint language teachers and provide requisite infrastructure for it. The expenditure in respect of schools in Union Territories and those funded/aided by the Central Government shall be borne out of the Consolidated Fund of India. Clause 5 of the Bill makes it obligatory for the Central Government to provide requisite funds to the States for carrying out the purposes of this Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 20 OF 2007

A Bill to provide for payment of remunerative prices fixed on the basis of cost of production of the agricultural produce to the farmers, compulsory purchase of the produce through Governmental agencies and compulsory market intervention by such Governmental agencies in cases of bumper crops and for the establishment of an autonomous Board for the purposes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Produce (Remunerative Prices) Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “agricultural produce” include paddy, wheat, pulses, bajra, jowar, millet, madwa, maize, soyabean, sugarcane, cotton, oilseeds, jute, spices or horticultural produce, which is used for human consumption or for medicinal purposes;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Board" means the National Agricultural Produce Remunerative Prices Fixation Board established under section 3; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the National Agricultural Produce Remunerative Prices Fixation Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of,—

(a) a Chairperson and a Deputy Chairperson with such qualifications as may be prescribed, in the field of agriculture or with agriculture background, to be appointed by the Central Government;

(b) nine members to be appointed by the Central Government in consultation with State Governments, by rotation in alphabetical order, to represent the Government of the States;

(c) one member each to represent the Union Ministries of Agriculture and Chemicals and Fertilizers to be appointed by the Central Government;

(d) one member to represent the Indian Council of Agricultural Research;

(e) such number of representatives of farmers growing such crops as may be prescribed; and

(f) three Members of Parliament of whom two shall be from Lok Sabha and one from Rajya Sabha, to be nominated by the presiding officers of the respective Houses.

(4) The term of office of the Chairperson, Deputy Chairperson, members of the Board and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

(5) The headquarter of the Board shall be at New Delhi.

(6) The Board shall have a Secretariat with such number of officers and staff and with such terms and conditions of service as may be prescribed.

4. (1) The Board shall discharge the following functions, namely:—

(a) fix and declare remunerative prices on the basis of cost of production of agricultural produce before every sowing season:

Provided that different prices may be fixed for different zones of the country;

(b) while fixing the remunerative prices of the agricultural produce, the Board shall take into account the following factors, namely:—

(i) cost incurred by the farmers in sowing, growing and harvesting of a particular agricultural produce;

(ii) cost incurred on seeds, fertilizers, insecticides and pesticides;

(iii) cost incurred on labour;

(iv) expenditure incurred on payment of premium for crop insurance, taxes on land, irrigation cost or any other cess, if applicable;

(v) maintenance cost of the fields;

(vi) cost incurred on transportation of agricultural produce to the market;

Establishment
of the
National
Agricultural
Produce
Remunerative
Prices
Fixation
Board.

Functions of
the Board.

(vii) climatic conditions and occurrence of natural calamity; and

(viii) other expenditure such as expenditure incurred on electricity or pumpset or any such other item.

(c) It shall be the duty of the Board to ensure that the farmers get remunerative prices based on the cost of production of their produce.

(2) The Board shall, in order to avoid duplication of its work, perform its functions in close liaison with Central and State agencies, institutions and authorities, which are responsible for procurement, supply, distribution, trade and such other activities in relation to the agricultural produce.

(3) The Board shall give wide publicity to the remunerative prices fixed by it and update worldwide market prices of the agricultural produce through electronic and print media.

5. Notwithstanding anything contained in any other law for the time being in force,—

(a) the Central and State Government agencies shall purchase agricultural produce from the farmers at the prices fixed by the Board in case the farmers fail to sell their produce in the open market;

(b) the appropriate Government shall invoke market intervention compulsorily whenever there is bumper crop of any agricultural produce for which the Board has not fixed remunerative prices and purchase the agricultural produce offered for sale through the Governmental agencies in such manner as may be prescribed; and

(c) the appropriate Government shall keep a watch on the activities of traders and middlemen during the immediate post harvest period to ensure that the prices of agricultural produce do not fall as a result of speculation and take such measures as it may deem necessary to protect the interests of the farmers.

6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the farmers and their produce.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds for the purposes of this Act.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Application of the provisions of the Act.

Act to have overriding effect.

Power to remove difficulties.

Central Government to provide funds.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India lives in villages because nearly seventy per cent of our population lives in villages. Majority of them are farmers or agriculture labourers who grow crops for the entire nation and have made the country self sufficient in foodgrains. But unfortunately even after more than five decades of country's independence, the lot of farmers has not improved. They have to depend upon the vagaries of monsoon and do not get remunerative price for the crops they grow. It has been observed that in the immediate post harvest period, prices of agricultural produce nosedive due to the manipulation of the unholy nexus of unscrupulous traders, middlemen and others in the trade. The farmers are, therefore, forced to sell their produce at throwaway prices which later on is sold at a premium to the consumers. One small Committee in the Union Agriculture Ministry fixes the Minimum Support Price of a few agricultural produces but it has been observed that generally the Minimum Support Price is not remunerative and remains below the expectations of the farmers. More so, this Minimum Support Price has no legal backing. Hence it is felt that if an autonomous Board is established to fix the remunerative prices with certain guidelines, this problem of the farmers can be solved to a great extent because assured prices of the commodities or agricultural produce will remove the uncertainty caused by the glut in the market. The farmers will get the remunerative prices for their produce and eventually it will benefit them and they will become prosperous.

Hence this Bill.

NEW DELHI;
November 16, 2006.

MAHADEORAO SHIWANKAR

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF
THE CONSTITUTION

[Copy of letter No. 7-27/2006-FES-ES, dated 5 January, 2007 from Shri Sharad Pawar, Minister of Agriculture to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Agricultural Produce (Remunerative Prices) Bill, 2007 by Prof. Mahadeorao Shiwankar, Member of Parliament, recommends the consideration of the Bill under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Agricultural Produce Remunerative Prices Fixation Board. Clause 4 provides that the Board shall give wide publicity to the remunerative prices fixed for agricultural produce. Clause 5 provides that the Central and State Government agencies shall purchase agricultural produce at remunerative prices fixed by the Board if the farmers fail to sell their produce in the open market. Clause 8 provides that the Central Government shall provide adequate funds for the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores may involve as recurring expenditure per annum. A sum of rupees one hundred crores may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives Power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 12 OF 2007

A Bill to provide for the measures to be undertaken by the State for the protection and maintenance of neglected, abandoned and destitute widows by establishing a Welfare Board for such widows and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Widows (Protection and Maintenance) Act, 2007.
- (2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “abandoned widow” means a widow who has been deserted or thrown out of the household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

(b) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(c) "Board" means the National Widows Welfare Board established under Section 3;

(d) "destitute widow" means a widow stricken with infirmity due to old age, physical disability, chronic ailment, mental imbalance or who has no source of income to support herself and her dependent children, if any;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "widow" means a woman whose husband has expired after her legal marriage.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be called the National Widows Welfare Board for the purposes of this Act.

Establishment
of the National
Widows
Welfare Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Head Office of the Board shall be situated at such place as may be decided by the Central Government and the Board may establish its branches in the States and Union territories in such manner as may be prescribed.

(4) The Board shall consist of,—

(a) a chairperson *ex-officio* who shall be the Minister in charge of the Union Ministry of Social Justice and Empowerment;

(b) a vice-chairperson preferably a widow to be appointed by the Central Government;

(c) three members of Parliament of whom two shall be from Lok Sabha and one from the Rajya Sabha to be nominated by the presiding officers of respective Houses;

(d) two members representing the Union Ministry dealing with the administration of this Act to be appointed by the Central Government;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of States, by rotation in alphabetical order, to represent the Governments of the States; and

(f) three members to be appointed by the Central Government from amongst the Non Governmental Organizations working for the welfare of widows.

(5) The Board shall follow such procedure in discharge of its agenda and hold meetings in such manner as may be prescribed.

(6) The Salary, allowances and other conditions of service of the Vice-chairperson and other members of the Board shall be such as may be prescribed.

(7) The Board shall have a Secretariat with such number of officers and employees with such terms and conditions of service, as may be necessary for the efficient functioning of the Board as may be prescribed.

4. (1) The Central Government shall set up a fund to be known as the Widows Welfare Fund.

Setting of a
Widows
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise by the Board.

Functions of
the Board.

5. (1) The Board shall promote and provide, by such measures as it thinks fit for the protection, maintenance and welfare of neglected, abandoned and destitute widows and for their dependent children.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall,—

(a) maintain district-wise register of widows with such particulars and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow covered under this Act to assess her need for assistance in such manner as may be prescribed.

(c) perform such other functions as may be assigned to it from time to time.

Facilities to
be provided
to the
widows.

6. The Board shall provide to the abandoned or destitute widows, on an application prescribed for the purpose, the following facilities, namely:—

(a) Subsistence allowance of rupees two thousand per month in case the widow is infirm and destitute or is having one or more dependent children or rupees one thousand per month in case she has no dependent child;

(b) residential accommodation free of cost wherever necessary;

(c) free education including technical education to the dependent children of the widows;

(d) gainful employment;

(e) vocational training wherever required;

(f) such other facilities as may be necessary and as may be prescribed:

Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such widow gets employment or remarries, as the case may be:

Provided further that a widow residing with her in-laws or parents according to custom or due to other circumstances shall not be denied the facilities under this Act on this ground.

Miscellaneous
provisions.

7. Notwithstanding anything contained in any other law for the time being in force or in any custom, a widow,—

(i) shall not be evicted or thrown out of the house of the in-laws or parents, as the case may be, where such widow was residing at the time of death of her husband;

(ii) shall be entitled to inherit the property or the share of her late husband in case of joint ownership of the property from her in-laws; and

(iii) shall be entitled for maintenance from the heir or in-laws who abandon a widow for subsistence.

Central
Government
to provide
requisite
funds.

8. The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide adequate requisite funds for carrying out the purposes of this Act.

Act to have
overriding
effect.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows.

Power to
make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country, there are millions of unfortunate women who lose their husbands untimely, and become widows. Their number is nearly three per cent. of total population. More than fifty per cent. of these widows are old, infirm, disabled and have no source of income or livelihood. Their position becomes miserable if they have dependent children to support and bring up. They work as housemaids and take up other jobs for survival.

It commonly occurs that when a widow does not have any permanent source of income or livelihood, she is driven out of her in-laws' home or even from her parental home. Sometimes condition of such widows become miserable and their problems increase manifold due to poverty and other compelling reasons. Many such widows can be seen begging in the streets and public places. Several women who become widows in their youth are not only sexually exploited by their known ones but also forced into prostitution. At some places, widows are termed as witches and tortured even by their own kith and kin or other persons from the community. They are treated as bad women by the society.

Ours is a welfare State. It is the foremost duty of the State to initiate welfare measures and to protect and provide maintenance to the hapless widows so that they can live gracefully in the society. It is, therefore, proposed in the Bill to set up a Welfare Board to exclusively look after the welfare of neglected, abandoned and destitute widows.

Hence this Bill.

NEW DELHI;

MAHADEORAO SHIWANKAR.

November 17, 2006.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Widows Welfare Board. Clause 4 provides for the setting up of a Welfare Fund. Clause 6 provides for facilities like subsistence allowance, free residential accommodation, medical facilities, gainful employment etc. to widows. Clause 8 provides that Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand crores approximately is likely to be involved.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is of a normal character.

BILL No. 32 OF 2007

A Bill to provide for the creation of Trust Corporations for further development of enterprises with social obligation and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Trust Corporations Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

(a) "business" means and includes industries, plantations, banks, trade, transport or any other activity carried on for profit;

(b) "Company" means any public or private limited company registered under the Companies Act, 1956, and having a subscribed capital of more than rupees one crore; 1 of 1956.

Short title,
extent and
commence-
ment.

Definitions.

(c) "Company Panchayat" means the organ of management of a Trust Corporation constituted in the manner provided in this Act; and

(d) "Trust Corporation" means any public or private limited company which has declared itself a Trust Corporation under this Act.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

Provisions to have effect notwithstanding any law in force.

4. A company may, by a resolution passed by a majority of shareholders present and voting at its general meeting, declare itself to be a Trust Corporation.

Formation of Trust Corporation. Information to Registrar.

5. Immediately after the passing of the resolution referred to in section 4, the manager or the secretary of the company shall notify the same to the Registrar of Joint Stock Companies in whose jurisdiction the head office of the Company is situated.

6. The Registrar, on receiving such notice, shall direct the manager or the secretary, as the case may be, to carry on the day to day business of the Company as an interim managing trustee.

Interim Management.

7. The Registrar shall, as soon as possible, arrange to take stock of the assets and liabilities of the Company and shall constitute a Company Panchayat of Trustees consisting of not more than sixteen members, in the following manner, to supervise, control and direct the managing trustee:

Company Panchayat of Trustees.

(a) not more than five trustees to be nominated by the shareholders of the company in its general meeting;

(b) not more than five trustees to be elected by the trade union of the employees of the company of whom at least one shall be from the managerial staff, one from the workers and the rest from any section of the employees;

(c) five trustees, to be nominated by the Registrar of Joint Stock Companies, as experts, representing the Ministries/Departments of the Central Government dealing with Planning, Industry, Commerce, Company Law, and the Department of Labour of the State Government concerned and a nominee of Municipality or Panchayat of the locality in which the Head Office of the Company is situated;

(d) the interim managing trustee shall be an *ex-officio* member of the Company Panchayat.

8. Every worker who has been in the employment of the company for not less than six months shall have the right to vote in the election of the trustees.

Right of workers to vote.

9. No representative of workers shall be included in the Company Panchayat unless he belongs to a united trade union which makes an active demand for responsible participation in the management of the Trust Corporation.

Qualification for election as Trustees.

10. The Company Panchayat shall decide all major questions relating to the management of the business of the Trust Corporation and, in particular, frame rules for the efficient management of the Trust Corporation, approve its annual production, trade or business plans and annual accounts, construction and development programme, purchases, sales, loans, credits, wages, salaries, bonus to employees and interest, if any, to shareholders.

Functions of Company Panchayat.

11. The profits of the Trust Corporation after due provision being made for depreciations and provident funds, shall be credited to the income tax folio of the Ministry of Finance, Government of India for being allocated to the different States according to the recommendations of the Finance Commission.

Profits to be credited to Government of India.

Wages of employees.	12. The employees of the Trust Corporation shall not demand any rise in wages, which is not commensurate with the earnings of an average villager or the uniform scales of wages determined by the Ministry of Labour of the Government of India.
Payment of Bonus.	13. The Company Panchayat may sanction payment of general bonus or individual merit bonus for surpassing the annual production targets fixed for the Trust Corporation.
Works Committees.	14. Works Committees of employees shall be formed in every department of the Trust Corporation and they shall be entrusted with the job of explaining the decisions of the Trust Panchayat to the employees, maintenance of the discipline and execution of welfare schemes of the Trust Corporation.
Managing Trustees.	15. The manager and the secretary of the company, which has declared itself to be Trust Corporation, shall become the <i>ex-officio</i> managing trustees of the Corporation.
Term of Office of Managing Trustee	16. The first managing trustee shall continue to hold office, unless removed earlier, for five years or till he attains the age of sixty years, whichever is later.
Removal of Managing Trustee.	17. The managing trustee shall be liable to be removed from office by the Company Panchayat on the ground of breach of trust or mismanagement.
Remuneration of Managing Trustee.	18. (1) The remuneration of the first managing trustee shall be fixed by a contract between him and the Company Panchayat. (2) In case of a dispute regarding the remuneration of the first managing trustee, the Registrar of Joint Stock Companies shall fix the same after taking into consideration the standard of life to which the first managing trustee is accustomed and the financial health of the Corporation.
Successor of Managing Trustees.	19. The first managing trustee may recommend a successor to his office but the final appointment shall be made by the Company Panchayat.
Salaries.	20. The salaries of subsequent managing trustees and other supervisory or technical staff shall be fixed by the Company Panchayat.
Chairman of Company Panchayat.	21. The Company Panchayat shall elect a Chairman from among its members, who shall summon its meetings from time to time and shall preside over the same.
Company Panchayat to act through Managing Trustee.	22. The Company Panchayat shall supervise the work of the managing trustee, examine his reports and give him instructions in regard to the day to day administration as also the policies and programme of the Trust Corporation.
Control over employees	23. All employees of the Trust Corporation shall be subject to the authority of the managing trustee in performing their duties.
Power of Managing Trustee.	24. The managing trustee shall be empowered to impose disciplinary penalties on defaulting employees.
Audit.	25. The accounts of the Trust Corporation shall be audited by the Comptroller and Auditor General of India and/or his nominee.
Scrutiny of accounts.	26. Statements of income and expenditure, balance-sheets and statement of assets and liabilities shall be placed before a joint annual general meeting of all employees of the Trust Corporation and the share holders of the company.
Government to acquire Trust Corporation in certain cases.	27. The Registrar of Joint Stock Companies, on being satisfied on the basis of the audit report that the affairs of the Trust Corporation are being conducted in a manner harmful to the interests of the society, may, after consulting the Company Panchayat, recommend to the Central Government to take over the assets of the Corporation and dispose them of in any manner it deems fit.

28. The coordination of the industrial or commercial activities of the Trust Corporation with the national plans for economic developments shall be the responsibility of the representative of the Planning Commission on the Company Panchayat, whose decisions in this regard shall be final.

Coordination with national plans.

65 of 1951.

29. Any industry or undertaking whose management has been taken over by the Government under the Industries (Development and Regulation) Act, 1951, may be treated as a Trust Corporation for the purposes of this Act.

Acquired undertakings.

30. New Trust Corporations may be floated by an individual entrepreneur investing fifty percent of the subscribed capital, provided that the Central or the State Government concerned agreed to contribute the other half of the subscribed capital; so, however, that the total equity capital does not exceed rupees one crore.

New Trust Corporations.

31. A Trust Corporation formed under section 30 shall be subject to the same rules as are applicable to any other Trust Corporation formed under this Act.

Application of rules.

32. The terms agreed to between the managing trustee of a corporation formed under section 30 and the Government in respect of remuneration shall be valid during the active service of the original managing trustee.

Managing Trustee of new Trust Corporation.

33. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Production of 'wealth' or 'capital' is possible only in 'Society' and not in isolation. Hence an obligation not only to sustain that society but also to promote its welfare and to improve quantitatively the quality of life of all individuals constituting the whole society is cast on those who happen to own or possess the wealth created therein. This social obligation is referred to as the principle of 'trusteeship'.

It has been the experience of humanity through the ages that ownership of 'capital' whether in private or public, if bereft of social obligation, has always tended to concentrate power in few hands and reserved the privileges of creativity and production for those already rich and powerful—multinationals, tycoons, bureaucrats, commissars and the likes and leaves behind the major segment of the society undeveloped or underdeveloped leading to class, caste or group conflicts and disarray in social order.

Ours is a Socialist Republic. In the context of the present day controversy about liberalisation, privatisation and globalisation it is appropriate that State regulated trusteeship system is introduced in the Country for rapid development of economic and social life of its people.

The present Bill seeks to provide an opportunity to the owners of large companies to convert them into Trust Corporations and proposes necessary provisions for the democratic management of such trust corporations. The provisions of the Bill are intended to usher peacefully an era of a socialist society, which will be built not solely on monetary incentives but on ideas of service to society.

The provisions of the Bill are expected to promote increased productivity by giving the workers a sense of full and intelligent participation in the process of production, purchases, sales and investment of the trust corporations.

The Bill is not a compulsory measure but a premissive one enabling the present owners of large companies to transform their existing titles based on absolute rights into trust ownership.

NEW DELHI;
December 13, 2006

MOHAN SINGH

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1)
AND 117(3) OF THE CONSTITUTION

[Copy of D.O. No. 4/44/2006/CL.V, dated 2 March, 2007 from Shri Prem Chand Gupta, Minister of Company Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Trust Corporations Bill, 2007 by Shri Mohan Singh, Member of Parliament, recommends its introduction under articles 117(1) and 274(1) and consideration under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 30 of the Bill provides that the Central Government may invest fifty per cent of the authorized capital of a new Trust Corporation that may be set up by any entrepreneurs. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifty lakh from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 33 of the Bill seeks to empower the Central Government to make rules for carrying out the purposes of the Bill. The delegation of legislation power is of a normal character.

BILL NO. 17 OF 2007

A Bill to regulate the functioning of private schools and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Private Schools (Regulation) Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Authority” means the Education Authority constituted by the appropriate Government under section 3;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “private schools” means an unaided schools whether recognized or not, which is not run by the appropriate Government, or its local authority or any other authority designated or sponsored by appropriate Government and includes a pre-primary, primary, middle, higher secondary and senior secondary school and also other institutions which impart education or training below the degree level but does not include an institute which imparts technical education.

3. (1) With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an Authority within its territorial jurisdiction to be known as the Education Authority to regulate the functioning of the private schools and conditions of service of teachers working in those schools.

Constitution of
Education
Authority.

(2) The Authority shall consist of,—

- (a) a Chairperson to be appointed by the appropriate Government;
- (b) such number of members, not exceeding ten but not less than five, to be appointed by the appropriate Government, as it may deem fit; and
- (c) such other officers and staff to assist in the functioning of the Authority as may be prescribed.

(3) The Chairperson and other members referred to in sub-section (2) shall be chosen from among the persons who have special knowledge and experience in the field of education.

(4) The term of office and conditions of service of the Chairperson and the members shall be such as may be prescribed.

4. (1) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the duty of the Authority to regulate the functioning of the private schools and conditions of service of teachers under its jurisdiction.

Functions of
the Education
Authority.

(2) The Authority shall also monitor the admission of students belonging to Scheduled Castes, Scheduled Tribes and other weaker sections of the society in the private schools.

(3) Without prejudice to the generality of the provisions contained in sub-section (1) and (2), the Authority may,—

- (a) prescribed the student-teacher ratio for each standard;
- (b) put a ceiling on the tuition fee that may be charged by a school for a particular class;
- (c) fix the hours of duty for teachers;
- (d) monitor the funds collected by the schools; and
- (e) perform such other function as may be prescribed.

5. (1) The Authority may make rules regulating the minimum qualifications for recruitment and the conditions of service of teachers of a private school.

Conditions of
service of
teachers.

(2) Subject to any rule that may be made in this behalf, no teacher of a private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Authority.

6. The Salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of the private school shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government.

Salary,
allowances and
other benefits
to teachers.

7. (1) No private school shall levy any fee or collect any other charges or receive any other payment except those specified by the Authority.

Fees and other
charges.

(2) Every school shall obtain prior approval of the Authority before levying such fees and collecting such charges.

(3) The Authority shall ensure that the amount collected by the private school is spent on the development of the school and for no other purposes.

Closing down
of school.

8. If the appropriate Government, on receipt of a report from the Authority, is satisfied that the managing committee of any private school, has neglected to perform any of the duties imposed on it by or under this Act or any rule made thereunder and that it is expedient in the interest of school education to close down such school, it may, after giving reasonable opportunities of showing cause against the proposed action, close down such school for such period as may be prescribed:

Provided that if the school is a recognized private school, the appropriate Government shall also withdraw the recognition and stop all assistance to such school.

Act not to
apply to
minority
schools.

9. The provisions of this Act shall not apply to schools run by religious or linguistic minorities.

Act not in
derogation of
other laws.

10. The provisions of this Act shall be in addition to and not in derogation of any other law or rules made thereunder.

Power to
remove
difficulty.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

Power to make
rules.

12. The Central Government may, after consultation with the State Governments, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Nowadays running an unaided private school has become a business. There are a number of unaided private schools throughout the country being run by a handful of persons. The main aim of these persons is to earn money rather than imparting good education. These schools are charging hefty tuition fee besides other charges in the name of donations, building funds, computer fee, etc. Not only this, these schools, after availing the necessary tax concession, are not investing the fund for the development of the schools. The teachers in these schools are underpaid and have no service benefits like medical facilities, provident fund, etc. There are cases of arbitrary retrenchment and suspension of teachers. The management works in connivance with officials. The teachers, particularly the female teachers, are subjected to various kinds of harassments.

Education is not safe in the hands of such unscrupulous persons. Overcharging of fee on one hand and under payment to teachers on the other hand is the *modus operandi* of these people. The tax laws are violated with impunity.

Therefore, it has become necessary to set up adequate mechanism to monitor, regulate and control the thriving education business not only to ensure that children get good education but also to protect people from exploitation.

NEW DELHI;
December 15, 2006.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, establish an Education Authority to regulate the functioning of the unaided private schools. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees eighty lakhs will be involved as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure to the tune of rupees ten lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules in consultation with the State Governments for carrying out the provisions of the Bill. The matters for which the rules will be made are the matters of detail only.

The delegation of legislative power, therefore, is of a normal character.

BILL NO. 11 OF 2007

A Bill to provide for the facilities of telephone and post and telegraph office in all the villages of the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Provision of Communication Facilities in Every Village Act, 2007.

(2) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act, 1885 shall have the meanings, respectively, assigned to them in these Acts.

6 of 1898.
13 of 1885.

3. The Central Government shall provide in every village throughout the country, the following facilities, namely:—

Provision of communication facilities in villages.

(i) a post and telegraph office; and

(ii) a public telephone connection with STD facility under the control of the head of the Village Panchayat.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In India, about seventy-five per cent of the people live in villages. There are number of villages in remote areas inhabited by tribals and backward classes. Even after sixty years of our independence, no development work has been done at such places. There are no postal facilities available in these areas. There are no telephones and the villages have virtually no communication links with the rest of the country. It takes months together for a letter to reach villages. Most of the villagers come to the cities for work and remain cut-off from their families due to non-availability of modern means of communication in their native villages. The postal, telephone and other communication facilities have thus become necessary for every village. The villagers can keep their money in saving account of the post offices thereby making available a lot of money to the Government for development works. The introduction of modern means of communication in every village will be the first step towards taking the boon of modern science to the doorsteps of rural India.

NEW DELHI;
December 18, 2006

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every village shall be provided with the facilities of a public telephone connection and a telegraph and post office by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees two hundred crore per annum will be involved as a recurring expenditure out of the Consolidated Fund of India.

A sum of rupees fifty lakh is also likely to be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 18 OF 2007

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and at least one single point light connection to every household in rural areas and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rural Electrification Act, 2007.

Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Rural Electrification Authority established under section 3;

(b) "Electricity" means electric energy generated, transmitted, supplied or traded for any purpose except the transmission of a message; and

(c) "prescribed" means prescribed by rules made under this Act.

Establishment
of Rural
Electrification
Authority.

3. (1) The Central Government shall establish an authority to be known as the Rural Electrification Authority having its headquarters at Mumbai in the State of Maharashtra.

(2) The Authority shall consist of five members to be appointed by the Central Government of whom at least two members shall be from amongst the farmers to be nominated by the Central Government in such manner as may be prescribed.

(3) The Central Government shall appoint one of the members as the Chairperson of the Authority.

(4) The Chairperson and other members of the Authority shall hold office during the pleasure of the Central Government.

(5) The salary, allowances and other terms and conditions of service of the Chairperson and other members of the Authority shall be such as may be prescribed.

(6) The Authority may appoint a Secretary and such other officers and employees as it considers necessary for the performance of its functions under this Act and on such terms and conditions as may be prescribed.

Functions and
duties of the
Authority.

4. (1) The Authority shall perform such functions and duties as the Central Government may prescribe or direct, and in particular the following—

(i) develop a sound, adequate and uniform national policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self-employment in villages; and

(c) at least one single point connection of electricity in every dwelling unit of each village in the country.

(ii) establish new power generating station in such areas as it may consider necessary;

(iii) invite and encourage private sector in establishing power units exclusively for the rural areas in the country;

(iv) carry out surveys and to collect and record data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas; and

(v) co-ordinate the activities of the national and state planning agencies in relation to the control and utilisation of power resources for the rural sector.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority may also provide for—

(i) supply of electricity to the farmers at such subsidised rates, as may be prescribed, from time to time; and

(ii) single point light connection and supply of electricity free of cost to the dwelling units of the Scheduled Castes, Scheduled Tribes and other Backward Classes in rural areas.

Rural
Electricity
Development
Fund.

5. (1) The Authority shall set up a Fund to be known as the Rural Electricity Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise by the Authority.

(4) All payments by the Authority towards rural electrification expenditure and for its administrative expenditure shall be made from the fund.

6. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority.

Central Government to provide funds.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Provisions to be in addition to and not in derogation of any other Act.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness. As a result of power shortage, both the industrial sector and the agricultural sector cannot make progress at the desired levels resulting ultimately in backwardness. Our Power stations whether they are thermal, hydel or atomic are generating electricity much below their capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity, the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people and by the print and the electronic media if there is a load shedding for a few hours in the cities but nobody bothers when the electricity is cut off in the rural areas for months together even if the crops of the hapless farmers are dying in the absence of water as he cannot run the tubewell without electricity. Since more than seventy-five per cent. of our population is engaged in agriculture and agriculture-based small and cottage industries, it is our duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least one point electric connection to every household including every hut in the country to remove the darkness prevailing there. To achieve these objectives, it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least single point light connection to every household in the villages.

Hence this Bill.

NEW DELHI;
December 15, 2006.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Electrification Authority. Clause 4 provides, *inter alia*, that Authority shall establish power stations and provide at least one power connection to every rural household. Clause 5 provides for setting up of a Rural Electricity Development Fund. Clause 6 provides that Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring annual expenditure of rupees five hundred crores will be involved.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power, therefore, is of a normal character.

BILL NO. 19 OF 2007

A Bill to provide for the welfare of children and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

- | | |
|---|----------------------------------|
| 1. (1) This Act may be called the Child Welfare Act, 2007. | Short title and extent. |
| (2) It extends to the whole of India. | |
| 2. In this Act, unless the context otherwise requires, 'Child' means a person who has not completed the age of fifteen years. | Definition. |
| 3. Notwithstanding anything contained in any other law for the time being in force, no child shall be employed by any person for any work in any form. | Prohibition of child employment. |
| 4. (1) The Central Government shall establish adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country. | Establishment of juvenile homes. |
| (2) Any child who is abandoned, orphan, destitute, neglected or engaged in any job, occupation or begging shall be admitted to the juvenile homes set up under sub-section (1). | |

Facilities
provided to
the children
in juvenile
homes

5. Every child who is admitted into the juvenile home shall be entitled to the following facilities free of cost,—

(a) accommodation, food and clothing;

(b) education including higher and technical education;

(c) medical assistance; and

(d) any other facility which is necessary for the all-round development of the child.

Provision for
reservation in
posts and
services under
Central
Government

6. The Central Government shall make provisions of reservation in posts and services under its control for children admitted to juvenile homes on attaining the age of eighteen years.

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

A large number of children are forced by their parents to do menial labour, in order to sustain their livelihood. Due to lack of proper diet and health care, these children become victims of a number of diseases. Some of them even succumb to premature death. Many of these children are highly talented. But due to lack of proper education and other opportunities, their talent goes waste.

Children are the future of a country. It is, therefore, the responsibility of the Government to provide opportunities of all-round development to every child and also to provide protection against exploitation. Thus, it is proposed to bring in a legislation for the welfare and protection of children against exploitation.

Hence this Bill.

NEW DELHI;
December 15, 2006.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country by the Central Government. Clause 5 provides for free of cost food, accommodation, clothing, education and medical facilities to the children in juvenile homes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crores is likely to be involved.

A non-recurring expenditure of about rupees five crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 43 OF 2007

A Bill to provide for the establishment of an autonomous Board for the overall development of economically backward areas of the country.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Backward Areas Development Board Act, 2007.

2. (1) The Central Government shall, by notification in the Official Gazette, declare the areas of the country which in the opinion of the Central Government are economically backward.

(2) Till such time the Central Government by notification declares, the following areas shall be treated as backward areas:—

- (i) Vidarbha region of the State of Maharashtra;
- (ii) Telengana region of the State of Andhra Pradesh;
- (iii) Southern districts of the State of Tamil Nadu;
- (iv) Northern areas of the State of Bihar;

Short title.

Identification
of backward
areas.

- (v) Tribal areas of the States of Orissa and Madhya Pradesh;
- (vi) Hilly regions of the State of Uttar Pradesh;
- (vii) State of Himachal Pradesh;
- (viii) Hilly areas of the State of Uttaranchal;
- (ix) North-eastern States; and
- (x) Eastern part of the State of Uttar Pradesh.

3. (1) There shall be established by the Central Government by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

Backward
Areas
Development
Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and Board may, with the previous approval of the Central Government, establish offices at other places in the country.

4. The Board shall consist of the following members, namely:—

Composition
of Board.

(a) a Chairman, who shall be the Vice-Chairman of the Planning Commission, *ex-officio*;

(b) a Vice-Chairman to be appointed by the Central Government;

(c) six Members of Parliament of whom four shall be from Lok Sabha and two from Rajya Sabha to be elected by the Members of the respective Houses, who belong to the backward areas, from amongst themselves;

(d) nine members to be appointed by the Central Government to represent respectively:—

(i) the Planning Commission (other than the Chairman of the Board);

(ii) the Ministry of the Central Government dealing with Agriculture;

(iii) the Ministry of the Central Government dealing with Industrial Development;

(iv) the Ministry of the Central Government dealing with Finance;

(v) the Ministry of the Central Government dealing with Railways;

(vi) the Ministry of the Central Government dealing with Communications;

(vii) the Ministry of the Central Government dealing with Education;

(viii) the Ministry of the Central Government dealing with Health and Family Welfare; and

(ix) the Ministry of the Central Government dealing with Irrigation.

(e) not more than five members to be appointed by the Central Government, by rotation in alphabetical order, to represent the Governments of the States having the backward areas; and

(f) four members to be appointed by the Central Government, who, in the opinion of that Government, are experts in various fields of economic development.

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all-round development, under the control of the Central Government, of the backward areas of the country.

Development
of Backward
Areas.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for the development, particularly, of railways, roads, posts and telegraphs and other means of communications, agriculture and irrigation, industries, banking,

drinking water and water power, forests, live-stock, health and family welfare, education, vocational training and tourism in the backward areas of the country.

(3) The Central Government shall set up such industries in the backward areas as it may determine.

Appropriation
of fund.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law, adequate funds for—

(a) development works undertaken by the Board; and

(b) administrative expenses of the Board.

Development
fund.

7. The Board shall have a fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development of the backward areas and all payments by the Board towards development expenditure shall be made therefrom.

Administration
fund.

8. The Board shall also have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Salary of Vice-
Chairman.

9. The Vice-Chairman of the Board shall be entitled to such salary and allowances as may be prescribed by the Central Government.

Secretary to
the Board.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties as may be delegated to him by the Chairman and the Vice-Chairman.

Appointment
of officers
and staff.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of its functions.

Annual
report.

12. (1) The Board shall submit every year a report, in such form as may be prescribed, of its development activities in the backward areas to the Prime Minister.

(2) The Prime Minister shall cause the report to be laid before each House of Parliament as soon as may be after receipt of the report.

Power to
make rules.

13. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be made without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The need for reducing and removing economic disparities between different regions of the country was recognised as soon as the nation launched the programme of planned economic development. Accelerated development of backward areas, with a view to reducing regional disparities, was one of the important national objectives. But, even after sixty years of independence, the economic disparities among regions have not only persisted but have also increased. Required attention has not been paid to develop the backward areas.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure their all round progress. For drought-prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of the necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialization of identified backward areas should be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is a greater need for providing opportunities for employment. In order to achieve these objectives, an autonomous body, though under the overall control of the Central Government, should be established which would be responsible for planning and implementation of area based package programmes in coordination with the Planning Commission and the State Governments.

The Bill seeks to achieve the above objective.

NEW DELHI;

MOHAN SINGH

March 8, 2007

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 4 provides for appointment of Vice-Chairman and four members who are experts in various fields of economic development, among others. Clause 9 provides for payment of salary to Vice-Chairman. Clauses 10 and 11 provide for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India on account of administrative expenses. So far as the development expenditure (Clause 6) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this stage. However, a recurring expenditure of about rupees ten thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 45 OF 2007

A Bill to provide for the establishment of a rural labour welfare fund for the welfare of the rural labour employed in the agriculture and other rural occupations and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Rural Labour Welfare Fund Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “employer” means the cultivator, orchard owner, poultry farm owner, agency, society including co-operative society or any establishment in a rural area which employs rural labour;

(b) "Fund" means the Rural Labour Welfare Fund established under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "rural labour" means any person engaged in agriculture, sericulture, poultry, horticulture, handicrafts or any related occupation in rural areas as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self-employed person.

3. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund which shall be operated by an Authority with its headquarters at Shimla in the State of Himachal Pradesh.

Establishment
of Fund.

(2) The Central Government shall after due appropriation made by Parliament in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

4. The Fund shall be utilized by the Central Government to meet the expenditure in connection with measures which in the opinion of the Central Government, after consulting the Governments of the States and Union territories, are necessary or expedient to promote the welfare of the rural labour and in particular:—

Utilisation of
Fund.

(a) to defray the cost of measures to be carried out for the benefit of rural labour towards—

(i) providing water supply for drinking and other purposes;

(ii) providing educational facilities;

(iii) the improvement of standard of living and nutrition;

(iv) amelioration of the social conditions;

(v) providing housing and recreational facilities;

(vi) rendering financial assistance in case of infirmity or disability due to accident, old age, or any other reason; and

(vii) providing such other welfare measures as may be prescribed.

(b) to grant loan, assistance or subsidy to Government of any State, Union territory Administration, local authority or any organisation for any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(c) to pay annually grant-in-aid to Government of any State or Union territory administration, local authority or an employer or any other organisation which provides to the satisfaction of the Central Government such welfare measures and facilities of the prescribed standard for the benefit of rural labour;

(d) to meet the cost of administering the Fund; and

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

5. (1) The Central Government may constitute as many Advisory Committees as it deems fit to advise the Central Government on such matters arising out of the implementation of the provisions of this Act or administration of the fund:

State
Advisory
Committees.

Provided that at least one Advisory Committee for each State and Union territory shall be constituted by the Central Government in consultation with the respective State Government and Union territory administration.

(2) The Chairman and such number of other members, as may be prescribed, of each Advisory Committee shall be appointed by the Central Government.

(3) The term of office and other conditions of service of the Chairman and other members shall be such as may be prescribed.

Central
Advisory
Committee.

6. (1) The Central Government shall constitute a Central Advisory Committee to coordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the implementation of provisions of this Act.

(2) The Chairman and such number of other members as may be prescribed of the Central Advisory Committee shall be appointed by the Central Government.

(3) The term of office and other conditions of service of the Chairman and other members shall be such as may be prescribed.

Appointment
of
Commissioners,
Inspectors
and other
officers.

7. (1) The Central Government may appoint as many as Rural Labour Welfare Fund Commissioners, Inspectors and such other officers and staff as it deems necessary for carrying out the purposes of this Act.

(2) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

(3) Any officer or inspector appointed under this Act, may,—

(a) with such assistance, if any, as he may deem fit, inspect at any reasonable time in any place which he considers necessary for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

State
Government,
etc. to
furnish
requisite
information.

8. The Central Government may require a State Government or a Union territory Administration or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner in which the fund may be applied;

(b) the conditions governing the grant of loans or subsidy;

(c) the conditions governing grant-in-aid;

(d) the standard of welfare measures and facilities to be provided out of the fund;

(e) the composition of the Advisory Committees and Central Advisory Committee constituted under sections 5 and 6 respectively and the manner in which the members thereof shall be appointed;

(f) the term of office of such members, the allowances, if any, payable to them and the manner in which the Advisory Committee and the Central Advisory Committee shall conduct their business;

(g) the recruitment, conditions of service and duties of all persons appointed under section 7; and

(h) the powers that may be exercised by an officer or inspector appointed under section 7.

STATEMENT OF OBJECTS AND REASONS

India resides in villages and 85 percent of its population earns its livelihood from agriculture. There are cultivators, orchard owners, poultry owners, agricultural workers and home based workers in the rural areas. However, their wages and income are meagre and many of them do not get employment throughout the year. These rural labourers also become an easy prey to the debt trap of the landlords and money-lenders who force them to become bonded labourers. Most of them are very poor and are living in distress for generations. In a Welfare State like ours there are no welfare schemes or funds for these hapless rural labourers whereas in the industrial sector there are Labour Welfare Boards and cess is levied and collected through legislative measures in order to provide them with various amenities including housing, education and medical care. But the rural labourers are unorganized and thus are neglected even by the State.

It is, therefore, necessary that in order to ameliorate the plight of rural workers the Central Government should establish a Rural Labour Welfare Fund for financing adequately and systematically the welfare measures to be carried out for the rural and agricultural labour throughout the country so as to achieve the goals of welfare State in its true sense.

Hence this Bill.

NEW DELHI;
March 16, 2007

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Labour Welfare Fund. Clause 5 provides for the constitution of Advisory Committees. Clause 6 provides for constitution of a Central Advisory Committee. Clause 7 provides for appointment of Rural Labour Welfare Commissioners, Inspectors and such other officers and staff for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India but it is not possible at this stage to give the precise details of the expenditure that would be involved. It is, however, estimated that it will involve a recurring expenditure of about rupees two hundred twenty-five crore per annum.

It will also involve a non-recurring expenditure of about rupees fifty-five lakh.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that the Central Government may make rules for carrying out the purposes of this Bill. The delegation of legislative power will relate to matters of details only and is of a normal character.

BILL No. 48 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2007.

Substitution
of new
article for
article 371H.

2. For article 371H of the Constitution, the following article shall be substituted, namely:—

Special
provision
with respect
to the State
of Arunachal
Pradesh.

“371H. Notwithstanding anything in the Constitution, the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than sixty members.”.

STATEMENT OF OBJECTS AND REASONS

The State of Arunachal Pradesh is different from other border States of the country in the sense that even though economically backward, it is one of the most peaceful States of the country. As per existing constitutional provisions, the Governor of the State has been vested with special discretionary powers of overruling the decisions of the State Government. This is not in accordance with the democratic principles as the State Government is elected by the people. Because of the two centres of power in the State the development projects aimed at overall development of the State are not cleared or are cleared after long delays. It also hampers the smooth functioning of the State Government. This is affecting the development of the State and hampering the democratic aspirations of the people of Arunachal Pradesh and may result in discontent among the people. Therefore, it is in the best interests of the State that the special powers of the Governor is done away with and State Government put on equal footing *vis-a-vis* other States. Besides, in the year 1990, on persistent demand of the people of Arunachal Pradesh, the total membership in the Legislative Assembly was raised from thirty to sixty. However, the same is not reflected in the Constitution. Therefore, the Bill seeks to replace the figure 'thirty' with 'sixty'.

Hence this Bill.

NEW DELHI;
April 18, 2007.

KIREN RIJU

BILL NO. 49 OF 2007

A Bill to provide for special financial assistance to the State of Arunachal Pradesh for the purpose of promoting the welfare of Scheduled Tribes and other sections of the people of the State and for the development and exploitation of its natural resources.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Special Financial Assistance to the State of Arunachal Pradesh Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special
financial
assistance to
the State of
Arunachal
Pradesh.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Arunachal Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Tribes and other sections of people or for the development, proper utilization and exploitation of the resources in the State.

Act not in
derogation of
other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

Arunachal Pradesh is a hill State inhabited predominantly by tribal people of diverse culture and lifestyle. It is also a State of strategic importance considering the fact that it shares long international boundaries with Bhutan, China, Tibet and Myanmar. Considering its strategic importance, it was administered by the Ministry of External Affairs till 1965 (the area was known as the North-East Frontier Agency till 1962) and subsequently the Ministry of Home Affairs, through the Governor of Assam. It was constituted as a Union territory in 1972 and renamed as Arunachal Pradesh. And on 20 February, 1987, it became the 24th State of the Indian Union.

But even after such long drawn process of administrative changes, the State of Arunachal Pradesh is still socially and economically backward. The State is plagued by poverty, unemployment, illiteracy, social inequality, inadequate socio-economic infrastructure, etc. Measures for proper utilization of natural resources, welfare of tribals and other sections of the society in the region and initiating new development schemes, are urgently required to address the problems of the State. The above measures will make the State a strong member of the union of India and enable it to perform its strategic responsibilities effectively. It is, therefore, necessary that the Central Government should provide some special financial assistance to the State of Arunachal Pradesh for its all-round development including the welfare of tribals and for the development and balanced exploitation of its vast resources. Such a step to provide financial assistance to this frontier State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
April 17, 2007

KIREN RIJU

BILL NO. 55 OF 2007

A Bill to provide for compassionate, humane and painless termination of life of individuals who have become completely and permanently invalid and/or bed-ridden due to suffering from incurable disease or any other reason and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Euthanasia (Permission and Regulation) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "elected representative" means any member of a Gram Sabha or a Nagar Panchayat or Municipality or State Legislature or Lok Sabha;

(b) "euthanasia" means the bringing about of a gentle, painless and easy death in the case of incurable and painful disease(s) making a person completely and permanently invalid and/or bed-ridden or who cannot carry out his daily chores without constant and regular assistance or who has become completely and permanently invalid due to any other reason; and

(c) "prescribed" means prescribed by rules made under the Act.

3. A person either himself or through any persons duly authorized by him in such manner as may be prescribed, shall have the option to file an application for euthanasia with the Civil Surgeon or the Chief Medical Officer of the District Government Hospital concerned, if he falls under any of the following categories, namely:—

Eligibility to file an application.

(i) persons who are completely invalid and are permanently bed-ridden due to accident, disease or by birth and have been so declared by a competent medical authority;

(ii) persons who have been suffering from disease(s) declared as incurable by a competent medical authority.

4. On receipt of an application for euthanasia from a person, the Civil Surgeon or the Chief Medical Officer of the District Government Hospital concerned shall place the application before a Medical Board constituted, in the manner to be prescribed, who shall examine the actual condition of the patient.

Constitution of Medical Board.

5. If the Medical Board, after examining the patient thoroughly, is satisfied that the patient suffers from a disease which is incurable or is mentally/physically invalid and permanently bed-ridden, they shall issue a certificate to the patient recommending his case for euthanasia with the reasons recorded therein for such recommendation.

Recommendation for euthanasia.

6. When the case of a patient is recommended by the Medical Board under section 5, the patient may file an application for euthanasia supported by a certificate issued by the Medical Board in the Court of a District Judge.

Right to approach the District Judge.

7. On receipt of an application for euthanasia, the District Judge shall take steps to appoint a team of lawyers to investigate and enquire from the patient whether he desires to be relieved from a painful life and if the District Judge, on receipt of report from the team of lawyers so constituted, is satisfied that the patient actually and without any extraneous influence of any kind, desires to have a gentle and painless death, he shall grant the application of the patient and give permission for euthanasia in the prescribed form under his seal and signature.

Permission from District Judge for euthanasia.

8. (1) On production of permission from the District Judge, the Civil Surgeon or Chief Medical Officer of the District Government Hospital shall fix a date for euthanasia.

Euthanasia of the patient.

(2) On the date so fixed, steps shall be taken to put the life of the patient to a gentle and painless end in the presence of a member of the family of the patient, a representative of the District Judge and an elected representative.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Euthanasia is an important but controversial topic of the current age. Though demands are being made to make it legal, fear of misuse is one of the credible arguments put forward by its opponents. Another school of thought considers it unethical and immoral besides being cruel and inhuman. But the moot point is that in case a person is stricken by a disease which gives insufferable pain, agony to the patient rendering him bed-ridden and dependent on others for his smallest needs, he becomes a burden to himself, his family and also to the society. And if the disease is not curable then the matter worsens. There is no hope of recovery for him and the patient is frustrated and depressed. It is in such cases that euthanasia is necessary. It is because the patient has a right to put his pain and agony to an end in a decent and dignified manner as there is no hope of recovery.

Euthanasia gives a way out. It is far better than committing suicide, which is an offence under the present penal provisions and secondly, the patient may not be in a position to commit suicide either. Before making euthanasia legal, sufficient checks and balances at the institutional level itself are necessary to ensure that the system is not misused by unscrupulous elements. The proposed Bill is an effort in that direction. It also takes care that the life of the patient is taken only after due process and in a humane and compassionate manner in the presence of family members and elected representatives.

Hence this Bill.

NEW DELHI;
April 18, 2007

C. K. CHANDRAPPA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 58 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article 244.

2. In article 244 of the Constitution,—

(i) in clause (1), for the words "Tripura and Mizoram", the words "Tripura, Mizoram and Arunachal Pradesh" shall be substituted.

(ii) in clause (2), for the words "Tripura and Mizoram", the words "Tripura, Mizoram and Arunachal Pradesh" shall be substituted.

3. In Fifth Schedule to the Constitution, in paragraph 1, for the Words "Tripura and Mizoram", the words "Tripura, Mizoram and Arunachal Pradesh" shall be substituted.

Amendment
of the Fifth
Schedule.

4. In the Sixth Schedule to the Constitution,—

Amendment
of the Sixth
Schedule.

(a) in the heading, for the words "Tripura and Mizoram" the words "Tripura, Mizoram and Arunachal Pradesh" shall be substituted;

(b) in sub-paragraph (1) of paragraph 1, for the words and figures "and in Part III", the words and figures "in Part III and Part IV" shall be substituted;

(c) in paragraph 17, for the words beginning with "the Legislative Assembly of Assam" and ending with the words "the State of Assam or Meghalaya or Tripura or Mizoram", the words "the Legislative Assembly of Assam or Meghalaya or Tripura or Mizoram or Arunachal Pradesh, the Governor may by order declare that any area within an autonomous district in the State of Assam or Meghalaya or Tripura or Mizoram or Arunachal Pradesh" shall be substituted;

(d) in paragraph 20—

(i) in sub-paragraph (1)—

(A) for the words, letter and figures "Parts I, II, IIA and III", the words, letter and figures "Parts I, II, IIA, III and IV", shall be substituted;

(B) after the words "the State of Mizoram", the words, "and the State of Arunachal Pradesh" shall be inserted.

(ii) in sub-paragraph (2), for the words and figures "Any reference in Part I, Part II or Part III of the table below", the words and figures "Any reference in Part I, Part II, Part III or Part IV of the table below" shall be substituted; and

(e) in the Table, after Part III and the entries relating thereto, the following Part and entries thereunder shall be inserted, namely:—

"PART IV

1. Anjaw.
2. Changlang.
3. Dibang Valley.
4. East Kameng.
5. East Siang.
6. Lohit.
7. Lower Dibang Valley.
8. Lower Subansiri.
9. Kurung Kumey.
10. Tawang.
11. Upper Siang.
12. Upper Subansiri.
13. Tirap.
14. West Kameng.
15. West Siang".

STATEMENT OF OBJECTS AND REASONS

Arunachal Pradesh is a hill State inhabited predominantly by tribal people. The tribals constitute about sixty-four percent of total population of the State. Many districts of the State are exclusively inhabited by tribals. The areas inhabited by tribals are inaccessible and therefore remain underdeveloped and have lower socio-economic levels of development. The development of tribal people requires immense commitment and resources. The tribal people have their own customs and lifestyles which are different from the mainstream. Any attempt to impose change without the consent of tribal people would hurt their feelings and alienate them and give rise to an apathy towards the policies and programmes of the Government. Therefore, it is necessary that the tribal people be provided with opportunities to manage their affairs themselves. The development of tribal areas of Arunachal Pradesh can best be attained by combining autonomy and development perspective of the Government. This may be achieved by placing the tribal areas of Arunachal Pradesh in the Sixth Schedule to the Constitution. Besides, such a move may give access to special funds of the Central Government which are so essential for the development of tribal dominated districts.

Hence this Bill.

NEW DELHI;
April 23, 2007.

TAPIR GAO

P. D. T. ACHARY,
Secretary-General.